



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Wednesday, November 4, 2020
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Krys Bienia, Laurie Holloway and Eliot Perkins

Absent: Councilmember Cindy Fithian

Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Jason Forman, Deputy Chief of Police; Julie Little, Events and Community Development Director; Katy Nicholson, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

After the Pledge of Allegiance Mayor Porta requested unanimous consent to add two items to the agenda: (1) a resolution expressing appreciation to Katy Nicholson, and (2) a resolution appointing an interim Town Clerk. There being no objection the items were added to the agenda.

RESOLUTION EXPRESSING APPRECIATION TO KATY NICHOLSON

Mayor Porta read a resolution expressing appreciation to Ms. Nicholson for her service to the Town and wishing her well in her new position with VRE. Councilmember Holloway moved adoption of the resolution and Councilmember Bienia seconded. The motion **passed** unanimously by voice vote.

RESOLUTION APPOINTING KIRSTYN JOVANOVIH INTERIM TOWN CLERK

Councilmember Perkins moved adoption of the resolution and Vice Mayor Loges seconded. The motion **passed** unanimously by voice vote.

3. CITIZENS' TIME

No one spoke at Citizens' Time.

4. CONSENT AGENDA

- a. September 1, 2020 Regular Meeting Minutes
- b. September 15, 2020 Work Session Minutes
- c. September 23, 2020 Public Meeting Minutes
- d. October 6, 2020 Regular Meeting Minutes
- e. October 9, 2020 Special Meeting Minutes
- f. Request to Approve 2021 Meeting Schedule and Town Observed Holidays
- g. Request to Appoint Members to the OCQ Cares Eligibility Panel

Councilmember Holloway moved approval of the items on the consent agenda and Vice Mayor Loges seconded. Motion **passed** unanimously by voice vote.

5. MAYOR'S REPORT

Mayor Porta noted that given the layout of the Council to accommodate the social distancing recommended during the COVID-19 pandemic, it has sometimes been difficult for him to always see Councilmembers who are asking to be recognized. Accordingly, it has been helpful to him that Councilmembers have been cooperative in pointing out when a colleague has previously sought recognition. He encouraged Councilmembers to continue that practice.

Mayor Porta reported on the following items:

- On October 1 he was invited to speak about Occoquan at the Woodbridge Rotary Club meeting, which was held electronically.
- Met electronically with the leaders of the Merchants Guild on October 12.
- Served on October 15 as the Program Lead for Leadership Prince William's History & Government Day; Ms. Jovanovich served on one of the day's panels.
- On October 21 was invited to speak about Occoquan at the Lake Ridge Rotary Club meeting.
- On October 23 served as emcee for the Spook-tacular Trivia Night in River Mill Park organized by Ms. Little. He thanked Councilmember Bienia for also volunteering to help run the event.
- On October 24 participated in the Havana Boutique ribbon cutting and in the Halloween Parade and Costume Contest. He thanked Councilmember Perkins, his spouse Ms. Welker, and Councilmember Bienia for judging the costume contest.

Mayor Porta passed along to staff an inquiry from some residents about the continuing presence of the "we're open for business" sign at the corner of Commerce and Washington Streets. The sentiment expressed was that such signs now seem dated. Ms. Jovanovich indicated staff would review the matter.

Mayor Porta noted that he and Councilmember Holloway had worked out general plans for the decoration of the Town Holiday tree and invited all Council members to participate in the effort.

Mayor Porta thanked the Chief of Police and Deputy Chief on recent compliments the Town had received regarding its DMV grants; he also thanked them for their efforts on public works.

Mayor Porta indicated that the Town Manager was trying to schedule a presentation before the Council by the County Building Official responsible for Occoquan so that the Council could have a better understanding of the inspection process. The latter has been a source of increased complaints lately by Town business owners. Mayor Porta expressed concern about the ability of the Building Official to handle the workload associated with projects that businesses might undertake with time-limited CARES Act funding. He explained that he may carry this concern to representatives on the Board of County Supervisors.

Mayor Porta noted that he had received some limited feedback regarding the October 6 meeting, particularly regarding the discussion of the noise ordinance. This feedback expressed the view that during the noise ordinance discussion it seemed to some that the Council was attempting to regulate "pet-peeves." The Mayor indicated that he thought reasonable people could disagree on that characterization, and that even if the characterization were accurate such regulation was within the purvey of the Town Council. What would be of concern to him, he noted, was such an impression arising because of how Councilmembers interacted either with each other or with members of the public during the discussion. Consequently, he wished to encourage everyone to continue to strive to avoid being unnecessarily dismissive of suggestions or questions.

Consistent with the above, Mayor Porta stressed the need for everyone on the Town Council to make sure they understood the recently adopted noise ordinance and to manage their own and the public's expectations regarding its impact. He noted, for example, that under recently adopted state law a violation of the Town's exhaust noise regulation could only be charged as a secondary offense and thus could not serve as the basis for stopping a motorist. Additionally, as long as venues paid the annual permit fee, it was still legal for their amplified music to be clearly audible beyond their property lines.

Mayor Porta explained that he has asked Ms. Jovanovich to always have the timed parking item on meeting agendas for discussion so the Council could continue to discuss and address it until implemented. The Mayor and Ms. Jovanovich are working on a set of FAQs for the public on the subject. He asked Councilmembers to raise any questions, suggestions, etc. about timed parking during that agenda line item, understanding that this would essentially constitute asking the staff to look into the matter and discuss it with relevant parties. Among the latter would be the Chair of Planning Commission, since the latter was the body that had brought the proposal forward. For now, he directed staff to investigate increasing the number of 8-hour spots at the northwestern end of Town – perhaps in the cul-du-sac – as some businesses had suggested. The Mayor then asked other Councilmembers if they had any comments or suggestions.

Mayor Porta recognized Betsy Merklein, Vice-President of the Merchants Guild, to speak. Ms. Merklein asked that the following statement be read into the record to clarify rumor and innuendo related to the Guild's involvement in the timed parking plan.

“I would like to go on record that the Merchants Guild acknowledges that there are parking issues that need to be addressed in Town and that we want to be as supportive and involved in the process as possible. However, we did not have knowledge of and any participation in the planning of, or initiated, the parking plan that was proposed and voted on. In addition, we do not fully support the plan in the form currently voted on.”

6. COUNCILMEMBER REPORTS

Councilmember Bienia thanked Ms. Little for her efforts regarding Town events.

Councilmember Perkins noted that he enjoyed judging the Halloween Costume contest and welcoming Havana Boutique to Town at their ribbon cutting.

7. BOARDS AND COMMISSIONS

Councilmember Perkins reported on the activities of the Planning Commission. At the Commission's last meeting they recommended approval of the site plan for the crosswalks, which is before the Town Council. He also noted that the Planning Commission discussed the most recent information available on the Alpine X project in Fairfax County. The Commission recommends that the Town work with Prince William County to advocate on the Town's behalf regarding traffic, environmental concerns, and other such issues. They also believe it important for the Town to establish a direct relationship with Alpine X and be as proactive as possible regarding potential challenges. The Planning Commission also continued to discuss the timed parking plan and related educational efforts.

Ms. Seefeldt noted that the ARB has not met since the last Town Council meeting.

8. ADMINISTRATIVE REPORTS

a. Town Manager

The meeting agenda included a written report from the Town Manager.

In addition, Ms. Jovanovich reminded the Council that the Fairfax Water Dam Siren test will be conducted on November 18. Councilmembers briefly discussed the potential timing of the Planning Commission hearing for the Mill at Occoquan project and plans regarding holiday events.

Vice Mayor Loges asked if staff could consider methods to facilitate the crowds that are likely to descend on Mom's Apple Pie immediately before Thanksgiving. Councilmembers discussed briefly.

Mayor Porta requested an update on the gaslight conversion to flame, hoping it could be implemented by the holidays. Staff responded that they are awaiting arrival of the adapters.

b. Town Attorney

The meeting agenda included a written report from the Town Attorney.

Mr. Crim reminded Council and staff of the requirement to retain written communications that involve Town business. He noted, in particular, difficulties created by the use of personal email accounts and texts. Communications involving personal email accounts should be copied or forwarded to a Town email account. Texts should be avoided for Town business if possible, but otherwise steps like taking screenshots of those communications and emailing them to a Town email account would be necessary to preserve them as required.

9. REGULAR BUSINESS**a. Request to Amend the Zoning Ordinance, Town Code § 157.300 – § 157.339, Signs**

Mayor Porta noted that staff had looked into the items raised by Mr. Sieberling at a prior meeting. This led staff to clarify some of the tables and textual references. These clarifications have been printed out separately to highlight them but are to be considered part of the ordinance on which the Council is voting.

Motion to adopt Ordinance O-2020-06 to amend the zoning ordinance, Town Code § 157.300 – § 157.339, Signs; General Provisions.

Moved by Councilmember Perkins; seconded by Vice Mayor Loges.

Ayes: Vice Mayor Loges, Councilmember Bienia, Councilmember Holloway and Councilmember Perkins, by roll call vote.

Nays: None.

b. Request to Adopt Resolution to Address the House at 104 West Locust Street as Danger to Public Health of Safety

Mayor Porta noted that this item would rectify an erroneous code reference in a comparable resolution adopted at a prior meeting.

Motion to rescind Resolution R-2020-08 and to adopt Resolution R-2020-09, to address the house at 104 West Locust Street as a danger to public health or safety.

Moved by Councilmember Holloway; seconded by Councilmember Bienia.

Ayes: Vice Mayor Loges, Councilmember Bienia, Councilmember Holloway and Councilmember Perkins, by roll call vote.

Nays: None.

c. Request to Approve Final Site Plan for Mill Street ADA Compliant Crosswalks

Mr. Reese explained the site plan and noted the goal is to coordinate with repaving and restriping.

Motion to approve the final Site Plan submission for improvements to add crosswalks and ADA-compliant curb cuts at the corner of Mill and Ellicott Streets and at the corner of Mill and Washington Streets, contingent on approval by the Virginia Department of Transportation.

Moved by Councilmember Bienia; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

d. Request to Enter into a Lease Agreement for Parking Spaces Adjacent to Ebenezer Baptist Church

Mayor Porta explained that this agreement would allow the Town to allocate 22 spaces in the Ebenezer lot for paid, public parking using a parking app. Parking revenues would go to Ebenezer Baptist Church and enforcement revenues would go to the Town. Councilmember Perkins noted that this is a component of the Town’s broader, comprehensive parking program, which essentially consists of three components: (1) timed public parking, (2) facilitating making underused, privately-owned spaces available for paid parking, and (3) long-term expansion of available public parking.

Motion to enter into the lease agreement with Ebenezer Baptist Church, subject to any minor changes approved by the Town Attorney, and authorize the Town Manager to sign.

Moved by Councilmember Perkins; seconded by Vice Mayor Loges.

Motion **passed** unanimously by voice vote.

9. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.



Katy Nicholson
Town Clerk